IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7018 OF 2004

Prakash @ Pankaj Ramchandra Khatal Petitioner

versus

Bharat Petroleum Corpn. Ltd. and another Respondents

Anilkumar Patil, adv. for petitioner.
S.R.Page, adv. for R-1.
S.Rodrigues, adv. for R-2.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
DATE : 22nd December 2004

PC :

1. Heard Mr.Patil for Patil, Mr.Page for respondent no.1 and Mr.Rodrigues for respondent no.2.

2. This petition challenges the action of respondent no.1 in awarding retail outlet dealership to respondent no.1. It is not in dispute that an advertisement was published in "Daily Deshdoot" dated 19th January 2004. The advertisement published by respondent no.1 invited applications from interested and eligible candidates for retail outlet at Biloli Truck Terminal situated within municipal limits of Nashik. This item appears at sr.no.65.

Petitioner as well as respondent no.2 applied. Interviews were held by Dealer Selection Committee of respondent no.1 on 24th July 2004. Petitioner was issued a call letter.

3. However, the list of selected candidates was displayed on 26th July 2004 and the retail outlet was awarded to respondent no.2. Aggrieved by non selection of petitioner, this petition under Article 226 of Constitution of India has been instituted.

4. We have heard learned counsel. We have perused the affidavit in reply filed by respondent no.1. It is true that petitioner was not disqualified from applying for the retail outlet. However, the application made by petitioner has been considered by the selection committee and after considering merits of both, petitioner as well as respondent no.2, the latter has been selected. There is no question of any illegality when the selection committee has not thought it fit to select the petitioner for awarding the retail outlet. The selection committee had full authority and powers to consider the merits of both candidates and there is nothing objectionable in such a course. We

find that the petitioner has been unable to substantiate his plea of malafides.

5. Mr.Patil was unable to point out to us anything by which selection committee is obliged to give reasons for not selecting a particular candidate. In the affidavit filed in reply it has been pointed out that apart from merits, the petitioner has not given details on separate sheet as required by advertisement (with regard to source of funds). It has been specifically stated that not only the application of petitioner was not as per the requirements of the advertisement but petitioner failed in the interview held on 24th July 2004. There is no rejoinder affidavit nor is any material produced to substantiate the allegations of illegality and malafides raised in the petition.

6. In the result, we do not find that this is a fit case for interference in extraordinary and discretionary jurisdiction under Article 226 of the Constitution of India with the decision of dealer selection committee - respondent no.1. Petition is, therefore, devoid of substance and is accordingly dismissed.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)